



United States Department of the Interior

FISH AND WILDLIFE SERVICE FISH AND WILDLIFE ENHANCEMENT

Colorado State Office
730 Simms Street, Suite 290
Golden, CO 80401

Phone (303) 231-5280

FTS 554-5280

FAX (303) 231-5285

FWE/CO

MAIL STOP 65412

February 19, 1992

Martin Hestmark
Manager, Rocky Flats Project (8HWM-FF)
USEPA-Region VIII
999 18th Street, Suite 500
Denver, CO 80202-2466

Dear Mr. Hestmark:

Thank you for your letter of January 23, 1992 requesting our comments to the document entitled, " Interim Measure/Interim Remedial Action (IM/IRA) Decision Document for the Solar Evaporation Ponds (SEPs), Operable Unit 4 (OU4), Rocky Flats Plant."

We were initially delayed in tracking our receipt of the subject document. However, we have established that this document was delivered by the U.S. Department of Energy-Rocky Flats Office (Energy) to the U.S. Fish and Wildlife Service (Service), Water Resources Division-Region 6 offices approximately October 11, 1991. Energy and Service concerns at that time were primarily focused on Endangered Species Act (ESA) issues related to water availability and replacement for the South Platte River Basin. The subject document has been in the possession of the Water Resources Division until today when, at our request, it was delivered to us at the Colorado State Office.

We have not strongly pursued commenting on OU4/SEPs-related issues because of limited time constraints experienced by our staff in relation to other pressing CERCLA issues with which we are working. Also, the SEPs exist in a well-defined area that has limited habitat values for our trust resources. These circumstances, however, do not preclude our concern for potential adverse impacts to migratory species, and threatened and endangered species relative to the existence of the SEPs and ongoing or planned projects associated with OU4. We anticipate that Energy will continue to seek our advice and consultation as a Federal Natural Resource Trustee should difficulties related to Service trust resources, including accidental/incidental takings of trust resources, occur or be anticipated from ongoing or planned OU4 activities.

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Additionally, we envision that Service comments to Energy for other OUs, especially OU1 and OU3, addressing adequate monitoring, data/information collection, and evaluation for ecological risks associated with potential adverse impacts to Service trust resources for all OUs at the Rocky Flats Plant, including OU4, will be adequately evaluated. In consideration of our prior comments, we anticipate action will be implemented by Energy to appropriately protect and restore resources associated with OU4 projects.

Per your recent phone request and in conjunction with our comments above, we are now reviewing the subject document for consistency and compliance with the ESA, Migratory Bird Treaty Act, Fish and Wildlife Coordination Act, and the Bald Eagle Protection Act as ARARs that relate to Service authorities and responsibilities. We anticipate forwarding our comments to you by Friday, March 2.

Please contact John Wegrzyn at (303) 231-5280 if you have questions or require further information.

Thank you for considering our technical assistance contributions on OU4 and other Rocky Flats CERCLA issues.

Sincerely,


LeRoy W. Carlson
Colorado State Supervisor

cc: FWS/ARD-FWE
Region 6
FWS/FWE/SLC
USDOE-Rocky Flats Office (Attn: David Simonson)
CDNR-(Attn: Ron Cattany)
CDOW-Central Region (Attn: David Weber)
CDH (Attn: Gary Baughman)

FWE/CO: Contam./Superfund/Rocky Flats/OU4
EPA-OU4.WPF